99TH CONGRESS
1st Session

HOUSE OF REPRESENTATIVES

REPORT
99-187

NATIONAL BUREAU OF STANDARDS AUTHORIZATIONS, FISCAL YEAR 1986

JUNE 27, 1985.—Ordered to be printed

Mr. FUQUA, from the committee of conference, submitted the following

CONFERENCE REPORT

[To accompany H.R. 1617]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1617) to authorize appropriations to the Secretary of Commerce for the programs of the National Bureau of Standards for fiscal year 1986, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That this Act may be cited as the "National Bureau of Standards Authorization Act for Fiscal Year 1986".

AUTHORIZATIONS FOR PROGRAM ACTIVITIES

SEC. 2. (a) There are authorized to be appropriated to the Secretary of Commerce (hereinafter referred to as the "Secretary") for fiscal year 1986, to carry out activities performed by the National Bureau of Standards, the sums set forth in the following line items:

(1) Measurement Research and Standards, $36,843,000.
(2) Materials Science and Engineering, $21,943,000.
(3) Engineering Measurements and Standards, $33,555,000.
(4) Computer Science and Technology, $9,657,000.
(5) Center for Fire Research, $5,827,000.
(6) Technical Competence Fund, $8,481,000.
(7) Central Technical Support, $8,179,000.

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(b) Notwithstanding any other provision of this or any other Act for fiscal year 1986—

(1) of the total of the amounts authorized under paragraphs (1), (2), (3), and (6) of subsection (a), $2,000,000 is authorized only for steel technology;

(2) of the total amount authorized under paragraph (3) of subsection (a), $3,895,000 is authorized only for the Center for Building Technology, and $50,000 is authorized only for the purpose of assisting the creation and maintenance of data bases on structural failures; and

(3) of the total of the amounts authorized under paragraphs (1), (2), (7), and (8) of subsection (a), $2,575,000 is authorized for transfer to the Working Capital Fund.

(c)(1) Funds may be transferred among the line items listed in subsection (a) so long as the net funds transferred to or from any line item do not exceed 10 percent of the amount authorized for that line item in such subsection.

(2) In addition, the Secretary may propose transfers to or from any line item exceeding 10 percent of the amount authorized for that line item in subsection (a); but a full and complete explanation of any such proposed transfer and the reason therefor must be transmitted in writing to the Speaker of the House of Representatives, the President of the Senate, and the appropriate authorizing committees of the House of Representatives and the Senate, and the proposed transfer may be made only when 30 calendar days have passed after the transmission of such written explanation.

(3) No transfer described in paragraph (1) or (2) may have the effect of reducing the amount available for any of the particular purposes set forth in subsection (b) below the applicable dollar amount specified in that subsection; and none of the funds transferred under either such paragraph may be used for the construction of the Cold Neutron Source Facility.

(d) The National Bureau of Standards shall seek reimbursements of not less than $500,000 from other Federal agencies to expand its efforts in support of basic scientific research on the atmospheric, climatic, and environmental consequences of nuclear explosions and nuclear exchanges.

AUTHORIZATION FOR EXPENSES OUTSIDE THE UNITED STATES

SEC. 3. In addition to the sums authorized in section 2, there are authorized to be appropriated to the Secretary for fiscal year 1986 such sums as may be necessary for expenses of the National Bureau of Standards incurred outside the United States, to be paid for in foreign currencies that the Secretary of the Treasury determines to be excess to the normal requirements of the United States.

AUTHORIZATION FOR SALARY ADJUSTMENTS

SEC. 4. In addition to the sums authorized in the preceding provisions of this Act, there are authorized to be appropriated to the Secretary for fiscal year 1986 such additional sums as may be necessary to restore the salary, pay, retirement, and other employee benefits of the National Bureau of Standards to the levels in effect at the end of fiscal year 1985 and to make any adjustments in the Bureau's

salary, pay, retirement, and other employee benefits which may be provided for by law.

COST RECOVERY AUTHORITY

SEC. 5. (a) Section 12(f) of the Act of March 3, 1901 (15 U.S.C. 278b(f)), is amended—

(1) by striking out "first"; and

(2) by inserting immediately before the period at the end thereof the following: ", and to ensure the availability of working capital necessary to replace equipment and inventories".

(b) Fees for calibration services, standard reference materials, and other comparable services provided by the National Bureau of Standards shall be at least sufficient to meet the requirements set forth in the amendments made by subsection (a), and any funds recovered in excess of such requirements shall be returned to the Treasury of the United States.

(c) The amendments made by subsection (a) (and the provisions of subsection (b)) shall be effective October 1, 1984.

COMPENSATION OF DIRECTOR

SEC. 6. (a) Section 5 of the Act of March 3, 1901 (15 U.S.C. 274), is amended—

(1) by striking out "He" at the beginning of the second, third, and fourth sentences and inserting in lieu thereof "The Director"; and

(2) by adding at the end thereof the following new sentence: "The Director shall be compensated at the rate now or hereafter in effect for Level IV of the Executive Schedule under section 5315 of title 5, United States Code.".

(b)(1) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new item: "Director, National Bureau of Standards, Department of Commerce.".

(2) Section 5316 of title 5, United States Code, is amended by striking out "Director, National Bureau of Standards, Department of Commerce.".

(c) The amendments made by this section shall be effective October 1, 1985.

STRUCTURAL FAILURES

SEC. 7. The National Bureau of Standards, on its own initiative but only after consultation with local authorities, may initiate and conduct investigations to determine the causes of structural failures in structures which are used or occupied by the general public. No part of any report resulting from such investigation shall be admitted as evidence or used in any suit or action for damages arising out of any matter mentioned in such report.

SCIENTIFIC POSITIONS

SEC. 8. In order to maintain a highly qualified scientific staff at the National Bureau of Standards, a goal of 20 positions is established for the Senior Scientists Program at the National Bureau of Standards.

OFFICE OF PRODUCTIVITY, TECHNOLOGY, AND INNOVATION

SEC. 9. In addition to the sums authorized in the preceding provisions of this Act, there is authorized to be appropriated to the Secretary for fiscal year 1986 the sum of $2,715,000 for the activities of the Office of Productivity, Technology, and Innovation.

NATIONAL TECHNICAL INFORMATION SERVICE

SEC. 10. In addition to the sums authorized in the preceding provisions of this Act, there is authorized to be appropriated to the Secretary for fiscal year 1986 the sum of $537,000 for the patent licensing activities of the National Technical Information Service.

AVAILABILITY OF APPROPRIATIONS

SEC. 11. Appropriations made under authority provided in this Act shall remain available for obligation, for expenditure, or for obligation and expenditure for such periods as may be specified in the Acts making such appropriations.

COST REDUCTION REPORT

SEC. 12. Within 90 days after the enactment of this Act, the Director of the National Bureau of Standards shall review the recommendations of the President's Private Sector Survey on Cost Control and such other recommendations as may be included in the Office of Management and Budget report entitled "Management of the United States Government—1986", and shall submit a report to the Speaker of the House of Representatives, the President of the Senate, and the appropriate committees of the House and Senate on the implementation status of each such recommendation which affects the National Bureau of Standards and which is within the authority and control of the Director.

And the Senate agree to the same.

DON FUQUA,
DOUG WALGREN,
STAN LUNDINE,
MANUEL LUJAN, JR.,
SHERWOOD BOEHLERT,
Managers on the Part of the House.

JOHN DANFORTH,
SLADE GORTON,
BARRY GOLDWATER,
FRITZ HOLLINGS,
DON RIEGLE,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1617) to authorize appropriations to the Secretary of Commerce for the programs of the National Bureau of Standards for fiscal year 1986, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The following section-by-section analysis explains actions of the managers in the conference report to accompany H.R. 1617.

Section 1. The title of the bill is the same in both the House and Senate versions and therefore is not in conference.

Section 2(a). The House authorized a total of $124,485,000 for all programs of the National Bureau of Standards which receive direct appropriations. This is the exact dollar amount of the FY 1985 appropriations. The Senate set the NBS FY 1986 authorization level at the FY 1985 authorization level of $130,256,000. The Senate recedes to the House with regard to total authorization and accepts an FY 1986 budget freeze at the FY 1985 appropriation levels.

The conferees agreed to the following allocations within the budget totals.

(1) The conferees recommend that $1.44 million be spent on biotechnology instead of the $1 million recommended by the House and the $3.0 million recommended by the Senate. The conferees agree with the views on biotechnology contained in House Report 99-43. While recognizing the importance of establishing a biotechnology capacity in NBS, it is felt that the program can benefit from further planning before being fully funded. Biotechnology is funded within the measurement research and standards line item.

(2) The House authorization amount was accepted for the materials science and engineering line item including the $3 million the House recommended for the ceramics initiative.

(3) The House authorization amount was accepted for the engineering measurement and standards line item including $3,895,000 for the Center for Building Technology.

(4) The conferees allotted $9,657,000 to the computer science and technology line item rather than the House's $9,393,000 figure or the Senate's $10,000,000 freeze.

(5) The Center for Fire Research was at $5,827,000 in the versions passed by both House and Senate; therefore, it is not in conference.

(6) The conferees accepted the House-passed levels of $8,481,000 for the Technical Competence Fund and $8,179,000 for Central Technical Support.

(7) The numbers contained in this section are based on acceptance of the President's deficit reduction programs, as qualified by Section 3,. with the exception of the GS 11-15 Reduction of $480,000. This money was not removed from the budget because GS 11-15 grade levels at NBS are occupied by the entry level and mid-level scientists who are the heart of the NBS workforce. Given growing concerns over NBS's ability to attract the high caliber scientists and engineers necessary to carry out both its existing mission and the new initiatives being proposed, the conferees feel that even a 2 percent cut in GS 11-15 positions is unwarranted and could have a negative effect on the agency's ability to perform its mission. The Conferees also are concerned about the concentration of these cuts in the information dissemination and technology transfer aspects of the Bureau's mission and urge the NBS management to use all means at their disposal to keep up the two-way flow of information between NBS and the private sector.

(8) The Conferees feel that the NBS budget structure is unnecessarily complex and therefore ask that NBS consolidate or simplify its proposed budget presentation into four or five line items reflecting its organizational management. This presentation's format and dollar figures should be consistent with the proposed legislation accompanying it. In order for the Congress to fulfull its responsibilities, the Conferees ask that future NBS budget presentations include the history of the request to the Congress and the distribution of the staff among scientific, administrative, and technical support disciplines.

Section 2(b)(1). The conferees accept the steel research set-aside language of the House but reduce the dollar amount from $2,500,000 to $2,000,000, change the language from a floor to a directed authorization, and permit the funds to be allocated from within any of the centers except for ICST and the Technical Competence Fund. The Conferees desire that the steel initiative go forward on an expeditious timetable as called for in House Report 99-43, but do not wish to delay other high priority work in areas such as polymers and aluminum sensors by too narrowly constricting the base within which these funds may be found.

Section 2(b)(2). The conferees agreed to the House-passed earmarking of $3,895,000 for the Center for Building Technology and the Senate-passed earmarking of $50,000 for creation and maintenance of data bases on structural failures. This central data bank should help reduce the number of catastrophic structural failures in the future by making sure that architects and engineers have ready access to information on past building collapses and how to avoid the mistakes that caused them.

The House also agreed to drop its floor for robotics upon receipt from the Director of NBS of the following written assurance that the floor would not be necessary:

DEAR MR. WALGREN AND MR. BOEHLERT: I am aware of your interest and that of other Members of the Subcommittee on Science, Research and Technology that the National Bureau of Standards conduct a strong program in robotics.

I want to assure you that based on our current understanding of a budget of approximately $124 million for NBS for FY 1986, the wishes of the Members of the Subcommittee, and the importance of

the technical area, we foresee no difficulty in supporting robotics at the level of $3 million in FY 1986.

Sincerely,

ERNEST AMBLER, *Director.*

Section 2(b)(3). Although the conferees are deeply concerned about the overall adequacy of NBS equipment, most of the requested reductions in the Working Capital Fund for FY 1986 were accepted. The conferees expect NBS aggressively to pursue alternate sources of capital equipment funding both by using the cost recovery authority of Section 4 and by accepting donations of equipment from private industry. The Conferees trust that the reduced request for capital equipment funds will be a one year phenomenon.

Section 2(c). The conferees accept the House's reprogramming language with the addition of a proviso to prohibit use of operating funds for construction of the cold neutron facility; the Senate had no comparable provision. The Conferees place extremely high priority on construction of the Cold Neutron Facility and urge the Administration to repropose it for the National Bureau of Standards. The Conferees are mindful that NBS is a small but essential agency that has suffered severe cuts in funding and manpower in recent years. Therefore, the conferees were unwilling to permit a new construction project, however worthy, to be funded by cutting back on ongoing NBS operations including the Center for Fire Research, the Center for Building Technology, and the Institute for Computer Sciences and Technology. The proviso is not meant to delay either insertion of the Cold Neutron Source into the research reactor or other work short of construction of the facility which will permit the construction to take place in an expeditious manner when construction funds are made available.

Section 2(d). The Senate accepts the House-passed provision requiring NBS to seek funds from other Federal agencies to expand its nuclear winter research. The conferees recognize NBS's unique capability in fire-related computer modelling and feel this research would be an appropriate use of the capability.

Section 3. The Conferees substituted such sums as are necessary for the specific dollar amounts for foreign currency in the House and Senate passed versions.

Section 4. The Senate agrees to the House provision which authorizes such sums as may be necessary to restore the salary, pay, retirement, and other employee benefits of the NBS to FY 1985 levels and to make any other adjustments in NBS's employee salaries and benefits as may be provided for by law. The pay levels assumed in the Section 2 authorization level are the same as in the President's budget as submitted. By adding this section, the conferees affirm that any decision to abrogate the 5% pay cut or to grant a cost of living adjustment for government employees must be decided on a government-wide basis rather than in individual authorization bills.

Section 5. The Conferees accept the Senate's cost recovery authority provision including its October 31, 1984 effective date. This non-controversial provision would have been put into effect on that date if the FY 1985 NBS authorization bill had not been vetoed.

Section 6. The Conferees accept the House language regarding compensation of the NBS Director. Except for the effective date, the House and Senate-passed provisions were substantially identical.

Section 7. The House conferees agree to accept the Senate-passed provisions allowing NBS to initiate and conduct investigations to determine the causes of structural failures in structures which are used or occupied by the general public. As set forth in page 10 of Senate Report 99–31, the conferees feel that NBS's unique, objective perspective will help the building community better understand the causes of these failures and also that making the results of NBS's investigations available to state and local officials will aid in preventing recurrences of tragedies. As stated in the Senate report NBS's role is to be investigative rather than regulatory.

Section 8. The conferees accept the House provision setting a goal of 20 Senior Scientist positions at the National Bureau of Standards. This provision should aid NBS in attracting and maintaining a group of leading scientists at a time when NBS must provide standards leadership in an increasing number of disciplines. The conferees also expect the National Bureau of Standards to comment on its progress towards reaching this goal as part of its annual budget submission.

Section 9. The conferees accept the Senate provision dealing with the Office of Productivity, Technology, and Innovation (OPTI). This restores OPTI funding except for adjustment to reflect OPTI's contribution to the President's Deficit Reduction Program. Therefore, the conferees do not accept the proposed elimination of OPTI's and expect OPTI's major efforts including its small business division, its office of metric programs, and its efforts to encourage cooperation between government and industry to continue unabated. The cut in OPTI should be absorbed in administrative expenses.

Section 10. The Senate bill allowed the National Technical Information Service (NTIS) to obtain its printing services directly from commercial printers rather than from the Government Printing Office (GPO). The Conferees recognize that NTIS has experienced serious delays and added expenses over the last two years in the procurement of printing services from GPO. This situation has resulted in the loss of many hundreds of workdays over that time period. Typical examples of lost workdays reported to the Conferees include the following:

1. During the 12-month period from June 1, 1983, to May 31, 1984, the GPO-obtained printing contractor for the *Abstract Newsletters* (Eagle Press) printed 52 weekly print orders. Of those, 34 involved delayed shipments and 10 had quality defects. 214 workdays were lost because of lateness and reprints to make up shortages or to replace defective copies.

2. Poor quality control at the inception of a printing contract for *Tech Notes* in November 1984 led to defective print runs for the first three issues. Late delivery and reprinting caused a time loss of 35 workdays.

3. The GPO printer for the *Directory of Federal Technology Resources* used the wrong ink for the cover stock. The ink did not dry properly and the covers smeared. It took 54 workdays to correct the problem. The job was sent to Department of Commerce Office of

Publications on October 14, 1984, for production. Usable stock was delivered on February 28, 1985.

The Conference Committee expects GPO, NTIS, and the Department of Commerce to work together over the coming year to resolve problems such as those described above. It is imperative that NTIS scientific and technical documents be made available to the Service's customers in an expeditious manner both to ensure the timely transfer of technology to American industry and to prevent costly duplication of research efforts.

The Government Printing Office and NTIS are exploring ways to improve the quality and timeliness of GPO's services. For this reason, the Conference Committee has decided not to give NTIS the ability to use commercial printers. The Conference Committee does expect to see an improvement in the quality and timeliness of GPO's services to NTIS by next year, however. If GPO's services does not improve, a statutory change to allow NTIS to use commercial printers will be reconsidered.

The Senate also agrees to drop its provision allowing the NTIS to pay for inventories and capital equipment from sales revenues. The authorization level for NTIS was the same in the House and Senate-passed bills and is therefore not in conference.

Section 11. The Availability of Appropriations section was substantially the same in both Houses and therefore not in conference.

Section 12. The Senate accepts the House-passed requirement for a report on the implementation of the Grace Commission report with the added proviso that in addition to the persons listed in the House-passed version, the report also be submitted to the Secretary of the Senate.

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